

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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SHEANA THOMPSON, et al.,

Plaintiffs,

ORDER

09-CV-4998 (RRM)(VP)

- against -

LEON O'NEAL, et al.,

Defendants.

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MAUSKOPF, United States District Judge.

Plaintiffs Sheana Thompson and Nordia Jackson commenced this personal injury action against Defendants Leon O'Neal and Christopher Thompson on December 11, 2008. Plaintiffs assert jurisdiction in this Court on the grounds of diversity, but, as noted by Magistrate Judge Pohorelsky, the allegations of the Complaint fail on their face to establish complete diversity because both of the Plaintiffs and Defendant Thompson are residents of New York. When this defect in the pleadings was brought to the attention of Plaintiffs at a conference before the magistrate, they acknowledged that they had failed to establish diversity jurisdiction, and stated that they intend to bring this action in state court. On November 16, 2009, Magistrate Judge Pohorelsky issued a Report and Recommendation (the "R&R") (Doc. No. 6) recommending that this action be dismissed without prejudice for lack of subject matter jurisdiction.

Pursuant to Rule 72(b)(2), the parties were provided until December 4, 2009 to lodge objections to the R&R. That period expired without the filing of objections by either party. Pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, this Court has reviewed the unobjected to R&R for clear error and, finding none, concurs with the R&R in its entirety.

See Covey v. Simonton, 481 F. Supp. 2d 224, 226 (E.D.N.Y. 2007). Accordingly, it is hereby ORDERED that the Plaintiffs' Complaint be DISMISSED without prejudice for lack of subject matter jurisdiction.

SO ORDERED.

Dated: Brooklyn, New York
December 7, 2009

s/RRM
ROSLYNN R. MAUSKOPF
United States District Judge